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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA

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7 SUN MICROSYSTEMS INC.,

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Plaintiff,

No. C 06-1665 PJH

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v.

10 HYNIX SEMICONDUCTOR INC., et al.,

11

Defendants.

12 /  
13 ORDER RE MOTION TO  
14 EXTEND FACT DISCOVERY  
15 DEADLINE

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This Document Also Relates to:

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Unisys Corp. v. Hynix et al., C 06-2915 PJH

All American Semiconductor v. Hynix et al., C 07-1200 PJH

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Edge Electronics v. Hynix et al., C 07-1207 PJH

Jaco Electronics v. Hynix et al., C 07-1212 PJH

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DRAM Claims Liquidation Trust v. Hynix et al., C 07-1381 PJH

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Before the court is plaintiffs' motion to extend the fact discovery deadline, brought as  
a motion to change time pursuant to Civil Local Rule 6-3. Plaintiffs seek to extend the  
current November 16, 2007 fact discovery deadline by ninety days, with a corresponding  
ninety day extension of time for all other pretrial dates set forth in the June 25, 2007 pretrial  
schedule.

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Preliminarily, the court notes that a motion to change time pursuant to Civil Local  
Rule 6-3 is not the proper procedural vehicle through which to obtain modification of a  
pretrial scheduling order. As defendants point out in their opposition to plaintiffs' motion,  
modifications to existing pretrial schedules are governed by Federal Rule of Civil Procedure  
16 and Civil Local Rule 16-2(d), which requires that any and all motions seeking relief from  
pretrial schedules be filed in compliance with Civil Local Rule 7. This does not necessarily

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For the Northern District of California

1 require a motion filed pursuant to Local Rule 7-2; an administrative motion brought  
2 pursuant to Local Rule 7-11 is acceptable. In view of this, and the fact that defendants  
3 have had the opportunity to submit an opposition to plaintiffs' motion, the court construes  
4 plaintiffs' motion as a properly filed administrative motion.

5 With respect to the relief plaintiffs seek, defendants are correct that plaintiffs are  
6 required to show good cause for modification of the fact discovery deadline, based on their  
7 diligence. Plaintiffs have made no showing of good cause, however, nor have they  
8 demonstrated that, since entry of the current pretrial schedule merely three months ago,  
9 they have proceeded diligently in pursuing discovery but will be unable to meet the fact  
10 discovery deadline despite such efforts. Plaintiffs have also failed to demonstrate any  
11 basis for the wholesale continuance of all remaining pretrial dates, as they propose.

12 Nonetheless, and notwithstanding the lack of any good cause showing, the court  
13 hereby grants plaintiffs a thirty day extension of the fact discovery deadline, to **December**  
14 **17, 2007**. All remaining pretrial dates remain unchanged.

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16 **IT IS SO ORDERED.**

17 Dated: September 24, 2007



18 **PHYLLIS J. HAMILTON**  
19 United States District Judge

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